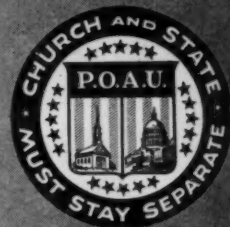


# CHURCH AND STATE

## A MONTHLY REVIEW



VOL. 13, NO. 7

JULY-AUGUST 1960

### Supreme Court Will Decide on Sunday Laws

The United States Supreme Court has announced that in the near future it will review one of the most heated arguments in the field of church-state separation, the constitutionality of American Sunday laws. The Court has accepted for argument, probably in October or November, three cases involving a kosher supermarket in Massachusetts, a general merchandising store in Maryland, and a somewhat similar type of store in Pennsylvania. The plaintiffs in each case have been backed by Jewish and Seventh-day Adventist organizations and lawyers.

The Massachusetts case, which has attracted the most national attention, is that of *Gallagher vs. Crown Kosher Supermarket*, a case in which Jewish and Seventh-day Adventist forces were lined up against the Massachusetts Sunday law, which was defended by the predominantly Protestant Lord's Day League of New England and the Archdiocesan Council of Catholic Men. Individual rabbis entered the suit in behalf of their professional claims.

A federal, three-man district court voted 2 to 1, a Catholic justice dissenting, to declare the Massachusetts Sunday law unconstitutional on the ground that it denied equal rights to "those Christian sects and to Orthodox and Conservative Jews who observe Saturday as the sabbath, and to the prejudice of the latter groups." Justice McCarthy, in dissenting, argued that religious freedom is not infringed by the Massachusetts Sunday law.

At the present time Sunday observance laws in most states have phraseology which is distinctly religious in significance. Washington observers believe that statutes based on the welfare principle will be sustained by the present Court but that statutes based almost entirely upon religious belief may be declared unconstitutional.

### Vatican Pronouncements Embarrass Kennedy; He Continues to Assert Independence

The relationship between Senator John F. Kennedy and the policies of his church has become a political issue of major importance as Kennedy's candidacy for the Presidency gains momentum. Many Protestant and Jewish groups have passed resolutions on the subject, and the Vatican itself has entered the picture with statements which have embarrassed the Massachusetts senator by asserting an authority over Catholic citizens everywhere.

American Catholic bishops have seemed eager to assure the voters that their church is not concerned with politics and will not seek to control Kennedy if he should be nominated and elected, but Pope John XXIII has been clear in asserting his traditional authority. He has gone out of his way again and again to insist that the Roman Catholic Church does actually seek to guide and direct its members in political matters.

#### A Resonant Voice

Most recent Vatican pronouncement came via a special article in *Osservatore Romano*, the Vatican's own newspaper. The statement was declared to be "authoritative"—binding on all the faithful. Published May 17, the pronouncement made no specific

mention of Senator Kennedy's candidacy, but Vatican authorities did not exclude Kennedy from the directives and they emphasized that they applied to all Catholics everywhere.

The Vatican article warned against attempts to "detach Catholics from the ecclesiastical hierarchy, restricting relations between the two to the mere sphere of sacred ministry and proclaiming the believer's full autonomy in the civil sphere." Many observers regarded this as a formal rebuke for Senator Kennedy's "credo of independence" from his church. The senator replied to his church's

(Continued on page 8)

#### "Interested in Elections."



Washington Post photo

Two sisters from the Sacred Heart Home, Hyattsville, Md., registering before voting in May primaries. According to the "Washington Post," Democratic Party workers transported two car-loads of nuns to the polls. "We're always very interested in elections," said one of the nuns.

• Editorials •

## Ourselfs And the Law

We are proud that POAU has now become one of the important agencies in our country in supplying legal help to those who wish to defend the Constitution. The whole floor of our recently acquired annex is now devoted to our Legal Department, and its physical expansion is symbolic of its growing importance on the national scene.

Almost every day several legal inquiries or requests for help come to POAU from citizens who want to preserve the separation of church and state. Whenever it is practical our lawyers supply the requisite information about church-state law. When litigation seems to be the only answer, POAU's executive committee frequently approves direct help to those courageous citizens who wish to challenge violations of the Constitution. Today, our attorneys are helping directly or indirectly in at least fifteen legal situations which involve litigation or the possibility of litigation, and for every suit that is entered in court there are at least three situations in which legal advice and legal pressure play a role in preserving the separation of church and state in local communities.

### The Real Issue

The other day we received a letter from one of our members questioning such activity on the ground that "brother should not be pitted against brother at law, but all disputes between Christians should be settled privately." Yes, we think that *private* and *personal* disputes between Christians should be settled without recourse to the law wherever possible. But POAU never engages in that type of dispute. We never represent the interests of an individual as against another individual. Essential, we are defenders of the Constitution against those who would destroy or weaken it. And the Constitution itself has given us the chosen instrument for its own defense, our impartial judicial system. Who has a better right to use it for such a high purpose? The system itself guarantees a hearing for every point of view. In the courts, the plain citizen is assured that he can secure equal justice under law. But that guarantee does not mean much to the plain citizen unless he has both advice and funds. Too often without advice and

funds, he is helpless before the complexities of our intricate legal system and the terrific social pressures of clerical power.

In the law courts of our country, POAU speaks for this citizen because he represents a principle. For us, the suit at law is only the final weapon reserved for the grave emergency. It should be used only in the necessary defense of the American way of life.

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## Let the Pope Speak

There appears to be some doubt as to where the Roman Catholic Church stands on the matter of freedom for other churches. Apologists for this church (both among Roman Catholics and Protestants) call attention to a new "liberal" view. They tell us that the Roman Church has really abandoned its historic position and has now become the champion of freedom for all faiths.

These apologists consider it bad taste for anyone to quote the copious utterances of the Popes and the various Canon Laws which take a firm stand against freedom. To quote such authorities is regarded as particularly bad taste in this election year!

Well, we can read. We have read the Popes on this subject—practically all of them right up to and including John XXIII. They all assert Rome's classic thesis that "error" (the doctrines of others) cannot have the same rights as "truth" (Roman Catholic doctrines).

Now we are told to disregard all these "infallible" statements. We are told that Spain and Colombia don't mean a thing. We are told that all this is passé—we live in a new day. Catholics believe in separation of church and state the same as anybody else.

### How to Resolve Doubt

We are baffled. We can't see why there should be doubt as to just where the Roman Church stands. If the Pope now believes in freedom for other religions than his own, why doesn't he just say so? That would settle the thing.

This idea may appear naive, but the more we think about it the better we like it. Why not? All doubt about voting for a Catholic candidate for President and all apprehensions about Catholic ambitions could be resolved with one comprehensive utterance. Pope John XXIII is the one to do it, the only one who can do it.

So let Pope John XXIII proclaim:

(1) That Canon 1374 is not binding in the U. S. and that Catholic parents are free to send their children to public schools without spiritual penalties;

(2) That the church in the U. S. (out of respect for the Constitution and the Supreme Court) will drop its campaign to secure public funds for the support of its institutions and rely, instead, on voluntary gifts;

(3) That Canon 1258 is not binding on American Catholics—they are free to attend inter-faith functions or to visit services of other faiths;

(4) That Catholics may be validly married before any clergyman or accredited civil official without discriminatory pledges against Protestants and Jews.

(5) That all men should have, as a matter of right, full freedom to worship according to their own conscience, to propagate their beliefs and make converts to them and to change their faith as they choose, even in Spain;

(6) That the Catholic Church will not attempt to impose its own standards regarding birth control and medical practice on citizens of other faiths;

(7) That Catholic public officials are free to carry out their duties according to their oath of office and in the light of their individual conscience under God, without interference from their church.

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## Church and State

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CHURCH AND STATE



## NEWS *From Far and Near*

◆ POAU has been informed from Colombia that no damages have been received from members of the Roman Catholic mob which destroyed a partially-completed Protestant chapel in La Plata, Department of Huila. The Colombian hierarchy had recommended that the Catholics involved pay for the damage they had caused when a local priest incited them to attack the Protestant installation. This was an unprecedented recommendation, but no remuneration has resulted.

◆ Governor Luis Munoz Marin of Puerto Rico has been criticized by the island's chief Roman Catholic Bishop, James P. Davis of San Juan, for opposing released time education programs in Puerto Rico's public schools. Born a Catholic, the Governor has always been considered anti-clerical.

◆ Mahomed Ali C. Chagla, India's Ambassador to the U. S., says that if the U. S. was interested in seeing India as a prosperous country, it should not stop at factories or irrigation projects, but "its interests should extend to seeing that the problem of population is effectively tackled." He pointed out that India had an officially announced policy in favor of birth control.

◆ The Archbishop of Delhi, Joseph A. Fernandes of the Roman Catholic Church has stated that instead of a population explosion India may soon face a shortage of manpower. He claims that India's birth control program would fail "because the people in the villages do not like it."

◆ A Protestant evangelist was sentenced in Neapolis, Crete, for the crime of converting people. Michael Markogamvrakis who heads the Greek Free Evangelical Church received five months in jail and a fine of 3,000 drachmas (\$50) for distributing pamphlets to Orthodox people and preaching the gospel.

◆ The Colombian Minister of Foreign Affairs has ruled that the Mennonite Brethren may not operate a school for Colombian Protestant children in Istmina, Department of Choco. The town is in Mission Territory. The decision keeps intact the ban on Protestant schools in Mission Territory as provided in the concordat with the Vatican. The illiteracy rate in Choco Department is 72%.

◆ Secretary of State Herter has announced that the U. S. will make the "strongest possible protest" to Red China for giving a 20-year prison sentence to an American prelate, Roman Catholic Bishop James E. Walsh. The State Department is said to have received a heavy mail inquiring why it made public representations to the government of Red China over this incident yet refused to take similar action in regard to oppressed Protestants in Spain.

◆ In the recent House debate on education only one non-Catholic ventured to discuss a fundamental constitutional issue and to point out that the Supreme Court had forbidden the payment of public funds to sectarian schools. This congressman, whose approach was cautious but scholarly, was Charles H. Brown of Springfield, Missouri, a Democrat and a Presbyterian.

◆ Protestants, Moslems and Roman Catholics in Burma have expressed their apprehension at the recent proposal of Prime Minister U Nu to make Buddhism the established religion of the country. All felt that such a step would lead to limitations on the practice of other faiths and would have the effect of dividing the nation.

◆ The congregation of the Veroli (Italy) Baptist Church were jubilant over the decision of that country's highest administrative authority which ended a three-year litigation over a permit to erect a church building. The Council of State held that the town's officials had not been justified in denying the permit. The former mayor, Diovanni Baldassarre had ordered demolition of the church, resigned when police refused to carry out his order.

◆ Vice-President Nixon has been receiving much criticism because he declared in an address before newspaper editors: "There is only one way that I can visualize religion being a legitimate issue in an American political campaign. That would be if one of the candidates for the presidency had no religious belief." Critics have declared that this would establish an "irreligious test" for the presidency which is just as unconstitutional as a sectarian test.

◆ According to the official Catholic Directory for 1960, the Roman Catholic Church now claims 40,871,302 members in the United States, or about 23 per cent of the population of the country.

## Methodist Body Commends POAU

Official commendation of the 10-million-member Methodist Church has been given to POAU by that denomination's highest governing body, the General Conference. The commendation was voted May 10 at the 1960 session of that body meeting in the city auditorium, Denver, Colo. The General Conference endorsed a report of its Coordinating Council following a four-year study of POAU. The report was presented by Dr. Walter Gum of Norfolk, Va., chairman of the study committee and was supported by Dr. Edwin R. Garrison, secretary of the Coordinating Council. The original resolution authorizing the study was made at Minneapolis in 1956 by Dr. W. Kenneth Haddock.

"As a result of our study of POAU," the report said, "we conclude that the work which is done by this agency is of crucial importance to the free church in the U. S. To our knowledge there is no other agency in the U. S. set up for this special purpose, and it is our opinion that a church agency as such could not properly handle this field."

"There must be vigorous opposition to the diversion of public funds (to sectarian purposes). At the same time, fanaticism and appeals to bigotry must be avoided. Substantial financial support of POAU by Methodist laymen and churches will give us an effective voice in helping to maintain the delicate balance which is needed."

The Coordinating Council gave its particular commendation to POAU for "(its) effort to preserve the principle of separation of Church and State as presently expressed in the First Amendment to the Federal Constitution and in the constitutions and laws of most of the states."

### Annual Conferences to Act

One of three major recommendations provided that "each Annual Conference under the guidance of the committee on Church and State relations in the Board of Christian Social Concerns study the Church-State situation in its own territory. To the extent that the Annual Conference finds the services of POAU relevant to its situation, we recommend that the Annual Conference call upon its people to give moral and financial support to POAU and/or its local affiliates."

The report was signed by Bishop Charles W. Brashares, chairman, and Dr. Edwin R. Garrison, secretary of the Coordinating Council.

## Catholic Drive for Federal Aid Fails

The long-heralded Catholic drive for federal aid for parochial schools collapsed in the House of Representatives on May 26 when amendments to the school construction law offered by two Catholic congressmen, Representative Clement J. Zablocki of Wisconsin, and Representative Roman C. Pucinski, of Illinois, were ruled "not germane," and thus defeated.

Politicians on Capitol Hill, both Republican and Democratic, breathed a sigh of relief when they were "taken off the hook" by this parliamentary maneuver. They were relieved from the necessity of a record vote on this most sensitive and troublesome of all issues in the Eighty-Sixth Congress.

Executive Director Glenn Archer of POAU, took a leading part in fighting the Zablocki and Pucinski proposals with a charge that they were unconstitutional, which was published in newspapers throughout the country. "The Zablocki Amendment," Mr. Archer said, "would undermine an important foundation stone in the wall of separation between church and state. It is called a loan proposal for private schools, but in operation it will be an appropriation bill in part, and it would set a particularly dangerous precedent as its chief beneficiary would be a church."

### Possible Court Action

Mr. Archer declared that, if necessary, POAU would go to the courts and challenge as unconstitutional any sectarian rider to educational bills similar to the Zablocki and Pucinski Amendments. It is believed that this threat of a legal challenge played an important role in changing the view of many congressmen concerning "loans" to parochial schools.

In the drive against the proposed appropriations, opponents had the support of many national organizations besides POAU, including the Baptist Joint Committee on Public Affairs, the American Jewish Congress and the American Unitarian Association. "This was a technical victory," said Mr. Archer, "but a very important one. It demonstrated how defenders of the Constitution can unite in a crisis. Let us hope that it will be a long time before a Catholic drive for public money for parochial schools again approaches the threshold of success."

## Clear Political Air— Drop Sectarian Demands

One of America's most important newspapers, the *St. Louis Post Dispatch*, has suggested that one of the best ways to subdue prejudice and unreason in the presidential campaign would be for the Roman Catholic Church to drop its demands for public money for parochial schools. The *Post-Dispatch*, although critical of some local POAU policies in the past, hails the discussion of so-called religious issues in the presidential campaign as "a wholesome development." The editorial continues:

Members of the Roman Catholic Church, we believe, can make an important contribution to this effort [the maintenance of church-state separation and the abolition of a religious test for public office] by abandoning attempts to obtain public tax support for church schools. So long as Catholics push for such tax support, and oppose federal aid to education unless it includes aid for private and parochial schools, the bigots will be encouraged to fan the flames of prejudice. . . .

Public schools are a fundamental of democracy. To preserve their public character they must be divorced from religious control or orientation, and supported by the whole public irrespective of faith. If certain parts of the public choose to support their own private schools also, that is their privilege. But they cannot fairly ask that the whole public pay any part of the bill for an educational system which is devoted, not to the broad, general purposes of democracy, but to the special religious purposes of a particular denomination. . . .

But there is a real church-state issue in proposals to finance church schools out of public funds. The only way to keep the separation of church and state intact is to reserve public funds for public schools. And unless we preserve the separation of church and state, it will be impossible to preserve the twin-principle of no religious test for 'public office.'"



### Southern Baptists Speak

We commend Protestants and Other Americans United under the direction of Glenn L. Archer for their great and valuable service to the nation and to the world, which supplements by legal action our own Committee on Public Affairs.

—Resolution of Southern Baptist Convention annual meeting, Miami Beach, Fla., May 20, 1960.

## A Partial Victory in Louisiana

Citizens of Ponchatoula and Hammond, Louisiana, won a partial victory in the courts of their state in May when a lease of a public hospital in New Iberia Parish to a subsidiary of the Order of St. Benedict was cancelled. Leading defenders of the separation of church and state in Louisiana had brought suit in 1957 to prevent the Board of Commissioners of Hospital Service District No. 1 from turning over a new hospital for \$1.00 to the Benedictine Order of Nuns. The charge was made by the plaintiffs that the leasing of such a hospital to a sectarian group which would impose a sectarian medical code would be in violation of the First Amendment of the Constitution and church-state separation principle.

Unfortunately, Catholic authorities united with the local public officials in devising a new plan to defeat the suit by employing Sister Mildred of the Order of St. Benedict as Director of the new hospital. The Board of Commissioners of the Hospital District has declared that the separation of church and state will be preserved in the hospital, and that medical practices will not be dictated by sectarian directives. In view of this claim Judge S. O. Landry has ruled that the suit against the Hospital Service District and the Order of St. Benedict is now moot, since the proposed lease has been cancelled, and the hospital will continue under public ownership.

### Vigilance Needed

POAU leaders are accepting the victory in Louisiana with reservations because the employment contract with Sister Mildred of the Catholic hospital order may still impose clerical directives upon the hospital indirectly. It is likely that a new suit will be filed at a later date unless the administrative rules adopted under the direction of Sister Mildred are clearly non-discriminatory concerning such non-Catholic practices as birth control and therapeutic abortion when required to save the life of a mother.

Richard C. Cadwallader of Baton Rouge, chief attorney for the plaintiffs, has received POAU's warm congratulations for his part in the battle, but both Mr. Cadwallader and local POAU leaders are viewing the legal victory with reservations, since Catholic nursing orders are bound under the rules of the Catholic Hospital Association to impose sectarian standards of medical practice upon any hospital which they direct.



## Ask Protestant Candidates Too!

Although POAU has never thought it necessary to draw up a special list of questions for Protestant candidates, similar to the list for Catholic candidates, because Protestants do not have such restrictive policies as those of the Roman Catholic Church, the organization has always advocated rigorous questioning of every Protestant candidate concerning his attitude on the separation of church and state.

Several sample questions have been suggested by POAU staff members. Here are five.

1. Do you believe in the payment of public money to parochial schools? For bus transportation? For textbooks? For the central operation of such schools? What is your attitude toward alleged loans which are in part actual grants?
2. Do you believe in the appointment of an American ambassador to the Vatican? If elected president, would you refuse to appoint such an ambassador?
3. Do you believe that the United States should help any foreign country which asks for it with monetary aid for a birth control program, regardless of Catholic objections?
4. What is your attitude toward the political-ecclesiastical dictatorships, with their resultant suppression of Protestant rights, in such countries as Spain and Colombia? If elected president, would you take vigorous action to restore Protestant rights in these countries?
5. Is your voting record consistent with belief in the strict separation of church and state?

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## Ah! "Maturity!"

Government support of private and parochial school education in the United States will be forthcoming "when the American people have reached that measure of cultural maturity and depth of social wisdom that will endorse government support of private as well as public education."

—Mons. John J. Dougherty, President of Seton Hall University (Quoted in "Boston Sunday Globe," May 1, 1960)

## N.Y. Requires Parochial Buses; School Construction to Be Next

Climaxing a campaign by Catholic lobbyists in New York which covered nearly two decades, the legislature has passed and Governor Rockefeller has signed into law legislation which makes parochial school bus transportation at public expense mandatory throughout the state. The new law is the climax of a long series of legislative concessions to Catholic power. Following a decision of New York's highest court that public funds could not be used for this purpose, a referendum was adopted to amend the state constitution.

According to the arrangement which then commenced, local school districts were permitted to grant or refuse to provide parochial school transportation as they chose. Such transportation was practically always provided where requested, for, under a provision in the law, a refusal by the district could be appealed to the state commissioner. Commissioner James E. Allen has regularly over-

ruled districts which refused to provide the sectarian service.

The bill just passed into law settles the controversy by forcing all districts to provide free transportation to parochial schools. The bill also increases from eight to ten miles the distance between home and school over which free transportation must be provided for parochial school pupils. Public school people have charged that the legislation is discriminatory since transportation of parochial school pupils across district lines is possible whereas such a service is denied to public school pupils.

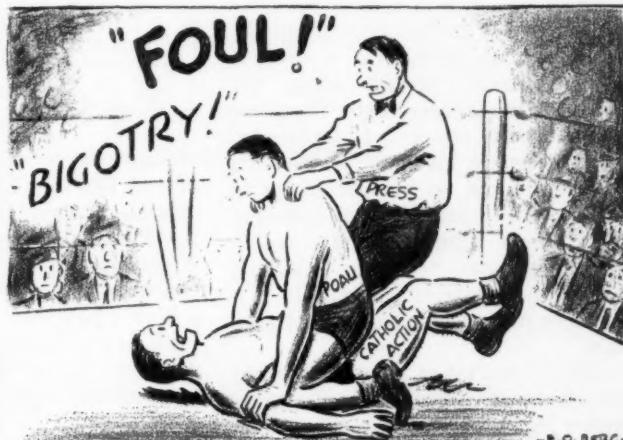
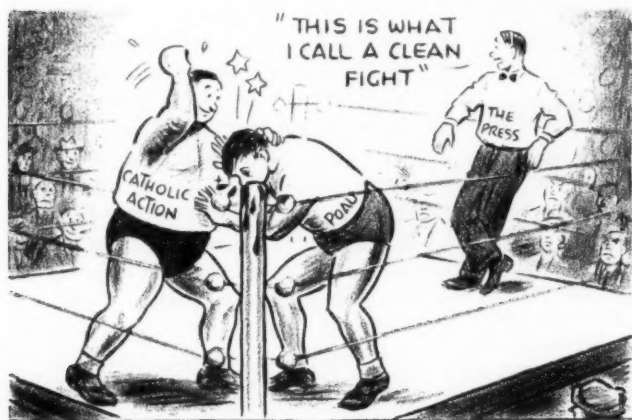
### Bill Clumsily Drawn

The bill was so clumsily drawn that major amendments will be required before it can go into effect. Governor Rockefeller stated that he signed the bill with the understanding that it would be promptly amended to exclude cities before it goes into effect Sept. 1, 1961. Stanley S. Wynstra, superintendent of public schools in Yonkers, N. Y., a city of 180,000 population, estimates that the law would cost his city's taxpayers alone fully \$500,000, if not amended.

The next step in the Catholic legislative program has already been indicated. The campaign was keynoted by Commissioner Allen in an interview with Frank J. Doherty printed in the *Syracuse Herald-Journal*, May 14. Doherty writes that Allen feels the problem of providing state assistance to parochial schools is a matter of grave concern to his office. Proposed amendments to the State Constitution will overcome the obstacles and pave the way for state aid to these institutions.

Allen pointed out that pending legislation would provide funds for construction of classrooms, dormitories and laboratories at private colleges.

## IT ALL DEPENDS!



## Annual Baccalaureate Dispute: Catholics Forbidden to Attend

Growing opposition of Roman Catholic priests to baccalaureate services for public high school graduating classes was noted again in 1960. In Jennings, La., for example, protesting priests were Fr. Charles Marin, pastor of Our Lady Help of Christians Church and Fr. John F. Windt, pastor of the Immaculate Conception church. The two priests gave Catholic members of the graduating class of Jennings high school orders not to join with their schoolmates in the school's baccalaureate services.

The priests explained their action to students and parents by pointing out that baccalaureate services are "distinctly religious" and that Catholics are under no condition allowed to participate in non-Catholic religious worship. One caustic critic observed that the priests might be trying to make good their charges that the public schools were secularistic and godless institutions. The immediate action of the priests seemed, however, to have been based on Canon Law 1258 which forbids any Catholic to attend any inter-faith service or any service of another religious denomination than his own. (It was under Canon 1258 that Senator John F. Kennedy was refused permission by Cardinal Daugherty to attend an inter-faith banquet in Philadelphia. See *Review* March, 1960).

### Connecticut Controversy

In Branford, Conn. St. Mary's R. C. Church followed a procedure frequently sponsored by the Knights of Columbus in other situations. (See *Review* June, 1958) Under direction of the local priest Catholic graduates were "pulled out" of the service sponsored by the school board in order to attend a separate baccalaureate of their own.

There was objection to the Catholic request on the ground that to provide the caps and gowns for a divisive service would detract from the school's own baccalaureate. Members of the Board rebuked Cosgrove for his threatening tone and stated that they would not let him put them in the position of endorsing or opposing the Catholic Church. Said member Fred Roganson: "No one is aiming this at the Catholic Church. It is a principle of separation of church and state."

(POAU has taken the position that attendance at baccalaureate services cannot legally be made compulsory).

## Face "Catholic Problem"

Meeting in the remoteness of the Pocono Mountains of Pennsylvania, 100 specially invited guests heard 14 leading U. S. evangelicals carry on a frank discussion of Roman Catholicism. Among the leaders were two members of POAU's Board of Trustees, Dr. John A. Mackay and Dr. Clyde W. Taylor.

The event was sponsored by *Christian Heritage* magazine, Sea Cliff, L. I., N. Y.

For three days the panel leaders spoke and questioned one another on the theological aspects of Roman Catholicism, with the goal of seeking "that unity in truth which is demanded by the Word of God." Klieg lights illuminated the panel rostrum, in order to make sound motion pictures of the proceedings.

Of interest to advocates of church-state separation were the findings of the panel indicating that Roman Catholics have moved into our national government until they now occupy key positions in every department and dominate many agencies of promotion. It was charged that this domination applies also to the promotion of chaplains in the armed forces.

It was emphasized that Protestants need to enter more vigorously into public affairs, but that the classic weapons of Protestants are spiritual.

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### Ban School Proselyting

Students in Oskawamick Central School District, Philmont, N. Y. are officially forbidden to promote their religious faith on school property. Action to this effect by the board of education followed the conversion of a high school girl of Roman Catholic faith to the Jehovah's Witnesses. The girl was said to have been influenced by a school friend.

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## Maine Political Parties Surrender to Catholic Pressure

Under growing political pressure from the Roman Catholic Church, both of Maine's leading political parties, Republican and Democratic, have now partially surrendered to Catholic demands concerning public appropriations for parochial school buses. The Democratic Party had surrendered some time ago, and Maine's Republican Party surrendered in part, in May, when its state platform was drawn up.

When a bill for appropriations for parochial school buses was defeated in this year's special legislative session, Republican political leaders showed marked anxiety about the effect of the action on the fall elections. The Republican Party was held chiefly responsible for the defeat of proposed grants. Catholic leaders threatened political reprisals, and many Republican legislators asked leaders to "take the party off the hook."

Now, both political parties are committed to a local option plank in regard to the transportation of parochial students with public funds. The practical effect of this double surrender to clerical pressure is to throw the battles of the future back into local communities from the state capital. The battle, however, is not over and such a program will not be valid until a state enabling law has been passed.

### Protect Public Treasury

Constitutional forces, backed by POAU, are still determined to contest every foot of the terrain to protect the public treasury against clerical raids. According to a Maine Supreme Court decision of May 1959 it is still unlawful for Maine communities to use public funds to provide transportation for parochial schools. This interpretation of the law was established by the Taxpayers Association, which was formed after Catholic leaders threatened to dump 900 parochial pupils on to the public schools of Augusta in 1957, unless public funds were granted for parochial transportation. The Maine Supreme Court indicated in its decision that parochial bus appropriations would be constitutional if a proper enabling act was passed in August, but such an act has not yet been adopted.

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The Vermont Suit by C. Raymond Swart, in which the payment of public money to Catholic high schools for tuition has been declared unconstitutional, will go to the Supreme Court of the State in the fall. The town of South Burlington has appealed to that court.

\* \* \*

After a protest by eleven Protestant ministers and a legal analysis submitted by POAU, the Holy Rosary Parish of Alliance, Nebraska, recently withdrew from the Alliance City Council a request to take over and finance a Catholic cemetery. The eleven Protestant ministers suggested that if the city embarked upon the project of taking over the cemetery, it should be a city-owned, non-exclusive, and a genuine community venture.

\* \* \*

Trustees for the Baptist Memorial Hospital of San Antonio, Tex. have voted to pay the Federal government \$19,075 for 10 acres of land sought for erection of an obstetrical and geriatrics center. They rescinded an earlier action whereby they would have received the land in exchange for an agreement to provide 20 years of charitable service. A resolution of the State Baptist Convention had asked all Baptist boards to refrain from any transaction involving grants of money or property from the government.

\* \* \*

Bible instruction in the public schools of Scotland Neck, N. C. will be continued permanently. An interdenominational group sponsors the program. The Bible course will be offered as an elective without academic credit. Constitutionality of the plan will probably be challenged.

\* \* \*

A decision by the Waupaca, Wis. school board to accept Gideon Bibles drew a protest from the local Roman Catholic priest. Fr. Michael S. Wasniewski described the giving of the Bibles as "untimely, immoral and illegal" and said he would complain to the attorney general. Also, said Fr. Wasniewski, he would ask the board for six classrooms during non school hours for the teaching of Catholic doctrine.

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The U. S. Food and Drug Adm. has given permission for the marketing of the first oral contraceptive "birth control pill" in history. Called Enovid the pellet is manufactured by G. D. Searle and Co.

\* \* \*

Three Levittown, N. Y. teachers demanded a public retraction by *The Tablet*, a weekly Roman Catholic newspaper, of a critical article about the community's school system which was being distributed in Catholic churches. *The Tablet*, Brooklyn diocesan publication, is noted for its attacks on the public schools.

\* \* \*

The Federal lunch program is providing over \$5 million annually for lunch service to parochial and private schools, the Department of Agriculture has revealed. The program has frequently been cited by Roman Catholic publications as a precedent for more substantive aid to their institutions.

\* \* \*

The city council of Los Angeles designated May 1, 3 to 4 p.m. as "Mary's Hour." Mary's Hour is an observance of the Roman Catholic Church.

\* \* \*

## Conn. Birth Control Cases Will Go to Supreme Court

The Supreme Court of the United States has finally decided to accept a legal challenge to Connecticut's antiquated birth control statute. The decision, announced in May, marks the first instance in American legal history when any litigant has been able to reach the Supreme Court to raise the question whether the denial of birth control information constitutes the destruction of free speech and the denial of due process under the Constitution.

A similar suit challenging Connecticut's antiquated birth control law was refused admission to the Supreme Court in 1943. In the present suit, the chief plaintiff is Dr. C. Lee Buxton, of the Yale Medical School, and the attorney is Fowler Harper of the Yale Law School. Both are backed by the Planned Parenthood League of Connecticut, and by many individual members of POAU. A companion suit has been filed challenging the constitutionality of the statute by clergymen who insist that they have the right to give birth control advice as a "Christian responsibility."

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## Vatican Embarrasses Kennedy

(Continued from page 1)

further insistence on his subservience by reiterating his own independence. He declared that he "is not subject to change under any condition."

*Osservatore Romano* contended that Roman Catholicism is a force that "commits and guides the entire existence of man. . . . The Catholic . . . must inspire his private and public conduct in every sphere . . . by the instruction of the hierarchy." Then it reiterated: "A Catholic can never prescind from the teachings and directives of the Church. In every sector of his activity he must inspire his public and private conduct by the laws and instructions of the hierarchy." When politics "touches the altar" bishops have the right to speak and to expect the faithful to show "dutiful discipline."

### An Early Voice

A previous Pope took a similar stand in regard to Al Smith's credo in 1928, but the position was not spelled out on that occasion until after the election. Before Smith's conqueror in the election of that year could be inaugurated there began a series of papal pronouncements which quite repudiated the Happy Warrior's credo of independence. Among these were the concordat with Mussolini, the encyclical *Christian Education of Youth* and the Pope's *Letter to Cardinal Gasparri*, each of which contradicted Smith's interpretation of his church's position on church and state. The fact that Pope John XXIII has done the same thing to Senator Kennedy prior to the nominating convention has been cited as indicative of the greater self-assurance of the Roman Church today.

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"The annual relief given, taking into account this collection as well as the annual clothing drive and the assistance of the Government, amounts to well over \$100,000,000, of which this collection (Laetare Sunday collection) (is) some five million dollars. . . ."

—Bishop Stephen S. Woznicki, quoted in "The Catholic Weekly," Saginaw, Mich., March 18, 1960.

The manner in which the church's control might be exerted upon a Catholic occupant of the White House is dramatically illustrated by discussions in two Catholic publications. The discussion relates to birth control. *The Sign* has taken the position that a Catholic President would be bound to veto a birth control measure, (April, 1959). *America*, the Jesuit mouthpiece, has suggested a casuistic device for saving a Catholic "conscience" in such a predicament. It suggests that the Catholic President could allow the bill to become law without his signature.

### Protestant Reaction

There has been sharp Protestant reaction to the papal assertion of its control over a Catholic occupant of the White House. Some 13,000 Southern Baptists at their annual convention in Miami Beach in May passed without a dissenting vote this declaration: "When a public official is inescapably bound by the dogma and

the demands of his church, he cannot consistently separate himself from these. This is especially true when that church maintains a position in open conflict with our established . . . American pattern of life as specifically related to religious liberty, separation of church and state, the freedom of conscience in matters related to marriage and the family, the perpetuation of free public schools and the prohibition of public monies for sectarian purposes."

Eight state conventions of the Baptists had previously acted on "the religious issue" in even stronger language, some of them specifically opposing election of any Catholic as President.

The General Assembly of the Southern Presbyterian Church refused to oppose the candidacy of Senator Kennedy specifically. It did, however, pass a resolution "reaffirming the historic American position with respect to the separation of church and state."

*The American Lutheran* magazine insisted that top leaders of the Roman Catholic Church should declare that the "traditional" position of their church on church-state relations does not apply to the U.S. Referring to numerous agreements which the Catholic Church has signed with various governments, agreements which limit the liberties of other religious groups, the article said: "Every concordat of this kind is an out-and-out negation of the whole concept of church-state separation."

*Christianity Today*, a heavily circulated Protestant journal, in an editorial, "Bigotry or Smear" insisted that "opposition to the nomination and election of a Romanist is perfectly rational. To suggest that this opposition is bigotry is itself a smear campaign. It is an effort to distract the public's mind. It attempts to obscure the important difference between the wise policy of acknowledging religious liberty for all, even for Roman Catholics who do not believe in it, and the unwise policy of choosing a Romanist government that could take the first steps which would extinguish religious liberty."

Late in May, the American Jewish Congress, while decrying a strictly denominational religious test for the Presidency, affirmed the American voter's right "to question any candidate for public office on his position in regard to issues of importance, including the separation of church and state . . . and to examine his record of actions and expressions on such issues."

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